

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ARTHUR TAYLOR,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4212-CV-C-FJG
)	
DAVE DORMIRE, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court are Defendants' Motions in Limine (Doc. No. 113).

Defendants move for an order in limine excluding the following from evidence at trial:

1. Any reference to changes in the Missouri Department of Corrections (DOC) or Jefferson City Correctional Center (JCCC) policy or procedure

Defendants state that reference to policy or procedure changes after September 2005 in regards to the use of restraint benches should not be permitted, as it does not make more probable or less probable that plaintiff was subjected to excessive use of force. (FRE 401 and 402). Defendants further argue that even if such information were relevant, it would be inadmissible under FRE 403. Defendants state that any changes to policy or procedure after September 2005 "would be akin to subsequent remedial measures and not permissible."

Ruling: For Defendants.

2. Coverage under the State of Missouri's Legal Expense Fund, § 105.711, RSMo.

Defendants state that the Legal Expense Fund, while not insurance, is akin to insurance. Defendants state it is improper to inject the issues of liability coverage into an action for damages. Defendants further state that issues of coverage are irrelevant.

Ruling: For Defendants.

3. Offers, demands and information regarding settlement negotiation

Defendants state that such information is barred by FRE 408.

Ruling: For Defendants.

4. Claims previously dismissed by this Court (such as for denial of medical care, recreation, and hygiene supplies)

Defendants state that as plaintiff's claims he did not receive medical care, hygiene supplies, or recreation are no longer issues in this case, plaintiff should not be allowed to present any testimony, exhibits, argument, or suggestion that he did not receive these things.

Ruling: For Defendants.

IT IS SO ORDERED.

Date: 08/31/10
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge